

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

**PLAINTIFFS' UNOPPOSED MOTION TO FILE SUR-REPLY TO DEFENDANT
LIVINGSTON, THALER, AND STEPHENS' MOTION TO DISMISS**

Plaintiffs ask leave of the court to file this short sur-reply to address arguments raised in Livingston, Thaler, and Stephens' reply brief.

In their reply briefing, Livingston, Thaler, and Stephens advanced a new argument about a citation in Plaintiffs' response. Thus, Plaintiffs respectfully request leave to file a three-page sur-reply, which is attached as Exhibit A.

DATED: November 1, 2013.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Eastern District of Texas.